

AMENDED

Nº 43924

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUN 22 1981

Returned to applicant for correction SEP 2 1981

Corrected application filed

Map filed OCT 23 1981 under 44052

The applicant Newmont Exploration Ltd.

P. O. Box 368, of Elko

Street and No. or P.O. Box No. City or Town Nevada 89801

State and Zip Code No., hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

April 30, 1946, Delaware

1. The source of the proposed appropriation is Underground
Name of stream, lake or other source.

2. The amount of water applied for is 6.0 cfs second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Mining and Milling
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)

(b) Stockwater (state number and kinds of animals to be watered)

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: SE¼ NW¼ of Section 35, T 32 N, R 53 E, MDB & M., at a point from which the SWcorner of Section 34, T 32 N, Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, R 53 E, MDB & M., bears S 65° 44' 03" W 7391.01 feet. it should be stated.

6. Place of use E½ Section 8, All of Sections 1, 3, 10, 12 & 14, T 31 N, R 53 E, Describe by legal subdivision, if on unsurveyed land it should be so stated. MDB & M., All of Sections 34, 35, T 32 N, R 53 E, MDB & M., All of Section 31, T 32 N, T 54 E, MDB & M., All of Sections 5, 6 & 18, T 31 N, R 54 E, MDB & M.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) This water to be used for exploratory drilling of a mineral deposit.
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$20,000
10. Estimated time required to construct works.....3 years
If well completed, describe works.
11. Estimated time required to complete the application to beneficial use.....5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Annual consumptive use is 1,415,000,000 gallons per year. If the exploration drilling proves out an ore body, then this water would be used for mining and milling of the ore body.

By.....s/Alan S. Boyack
Alan S. Boyack, Agent
515 South Fifth Street
Elko, Nevada 89801

Compared.....js/dh.....11/bc

APPROVAL.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The total combined duty of water under Permits 43924, 43925, 43927, 43928, 44052 and 44056 shall not exceed 587.8 million gallons annually.

The total combined diversion rate of Permit 43924, 43925, 43927, 43928, 44052 and 44056 shall not exceed 6.0 c.f.s.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....6.0.....cubic feet per second, but not to exceed 587.8 million gallons annually.

- Actual construction work shall begin on or before.....N/A
- Proof of commencement of work shall be filed before.....N/A
- Work must be prosecuted with reasonable diligence and be completed on or before.....January 20, 1985
- Proof of completion of work shall be filed before.....February 20, 1985
- Application of water to beneficial use shall be made on or before.....January 20, 1985
- Proof of the application of water to beneficial use shall be filed on or before.....February 20, 1985
- Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....IN TESTIMONY WHEREOF, I.....PETER G. MORROS
Completion of work filed.....State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed.....my office, this.....20TH.....day of.....FEBRUARY
Cultural map filed.....
Certificate No.....Issued.....

47341 war-12/9/98
6.0 cfs
A.D. 1985
[Signature]
State Engineer

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.